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June 6, 2025

Via ECF and E-mail

Hon. John P. Cronan, U.S.D.J.
United States District Court
Southern District of New York
500 Pearl Street, Room 1320
New York, NY 10007
CronanNYSDChambers@nysd.uscourts.gov

Re: *Maier v. Hines Interests Limited Partnership et al.*
Docket No. 1:25-cv-01006-JPC
Joint Letter Request for Stay

Dear Judge Cronan:

This firm represents the Defendants in the above matter, Hines Interest Limited Partnership ("Hines" or the "Company"), Sarah Hawkins, Matt Prior, Jason Alderman, and Tommy Craig (collectively, "Defendants").

The parties jointly and respectfully request a temporary stay of the obligation to submit a proposed case management plan and scheduling order, as set forth in the Court's May 29, 2025 Order (ECF No. 17), pending resolution of Defendants' forthcoming motion to partially dismiss the Amended Complaint.

Because the motion may narrow the claims at issue, the parties believe that deferring the case management deadlines will promote efficiency and conserve judicial and party resources. Accordingly, the parties request that only this portion of the May 29, 2025 Order (ECF No. 17) be stayed while the motion is pending.

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We thank the Court for its time and attention.

Respectfully submitted,



David J. Kass, Esq.

For FISHER & PHILLIPS LLP

DJK:ajr

cc: All Counsel of Record (via ECF and E-mail)

The request is granted. The parties' obligation to submit a proposed case management plan and scheduling order is stayed pending the resolution of the forthcoming partial motion to dismiss the Amended Complaint.

A motion to dismiss does not automatically stay discovery, and discovery should not be routinely stayed simply on the basis that a motion to dismiss has been filed." *Khan v. New York City*, No. 24 Civ. 2168 (JAM), 2024 WL 4814236, at *4 (E.D.N.Y. Nov. 18, 2024) (internal quotation marks omitted). Rather, "upon a showing of good cause a district court has considerable discretion to stay discovery pursuant to Fed. R. Civ. P. 26(c)." *Hong Leong Fin. Ltd. (Singapore) v. Pinnacle Performance Ltd.*, 297 F.R.D. 69, 72 (S.D.N.Y. 2013) (internal quotation marks omitted). "A court determining whether to grant a stay of discovery pending a motion must look to the particular circumstances and posture of each case," and in evaluating whether to stay discovery pending the disposition of a motion to dismiss, "courts typically consider: (1) whether the [d]efendants ha[ve] made a strong showing that the plaintiff's claim is unmeritorious; (2) the breadth of discovery and the burden of responding to it; and (3) the risk of unfair prejudice to the party opposing the stay." *Sharma v. Open Door NY Home Care Servs., Inc.*, 345 F.R.D. 565, 568 (E.D.N.Y. 2024) (internal quotation marks omitted).

After weighing these factors, the Court concludes that good cause exists to stay discovery in this case pending the resolution of the forthcoming motion to dismiss. Without purporting to pass on the merits of the parties' respective arguments, Defendant will challenge whether eleven of the thirteen causes of action alleged in the Amended Complaint, including age-based discrimination and retaliation, and claims under the FMLA and NYLL. Disposition of those issues in the first instance would avoid any prejudice from subjecting Defendant to discovery in the first instance. As Plaintiff has joined the motion to stay discovery, the Court sees no resulting prejudice to him.

Accordingly, discovery in this matter is stayed pending the Court's ruling on Defendant's motion to dismiss.

SO ORDERED

June 9, 2025

New York, New York



JOHN P. CRONAN

United States District Judge